

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF MAY 24, 2018

John Strobel, M.D., President, called the meeting to order at 8:35 a.m. A quorum was declared in accordance with IC 25-22.5.

Members Present: John Strobel, M.D., President
Kirk Masten, M.D., Vice President
Victoria McCann, J.D., Secretary
Michael Busk, M.D., Member

Members Absent: Bharat Barai, M.D., Member
Scott Green, M.D., Member
Rebecca Mueller, M.D., Member

Staff Present: Darren R. Covington, J.D., Board Director
Professional Licensing Agency
Kimberly A. Letko, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Masten/McCann, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

The Board voted to adopt the minutes of the April 19, 2018 meeting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Masten/McCann, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

DISCUSSION

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Acupuncture Renewal Questions

The Board discussed the following renewal applications and whether changes needed to be made to the renewal application questions:

Acupuncture detox: No changes

Acupuncture: No changes

LICENSURE REVIEW

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Syed Kazmi, M.D. – Provisional license review

Dr. Kazmi appeared before the Board with counsel, Elliott Pinkie, regarding the annual review of his provisional license.

Dr. Vinluan spoke on behalf of Respondent's preceptor, Dr. Sheikh, due to Dr. Sheikh not being present at meeting.

At the May 25, 2017 Board meeting, Dr. Kazmi appeared before the Board to extend his provisional license for one year in order to do a clinical preceptorship in Indiana, and show the progress he has made regarding the Board's requested documentation of compliance of K-Star recommendations. The Board moved to extend Dr. Kazmi's provisional license for one year with the condition that he would appear before the Board at the end of that year to allow the Board to review his progress.

Respondent admitted the following exhibits:

Exhibit 1: Letter from preceptor, Dr. Asrar Sheikh

Exhibit 2: Correspondence from KSTAR Program Coordinator

Exhibit 3: Certificates of Completion of counseling services

After discussion, the Board moved to APPROVE FULL UNRESRICTED LICENSE and REMOVE PROVISIONS.

Masten/Strobel, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

PERSONAL APPEARANCES

Alice Buckley, M.D. – Initial application - Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Buckley failed to answer yes to the following question on her application:

5. Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court,
 - 1) Have you ever been arrested?
 - 3) Have you ever been convicted of any offense, misdemeanor, or felony in any state?
 - 4) Have you ever pled guilty to any offense, misdemeanor, or felony in any state?

In August of 1997, Dr. Buckley was arrested, charged and pled guilty to obstructing an officer and two counts of speeding.

Dr. Buckley answered yes to the following questions on her application:

6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Buckley was terminated by the Marion VA Campus of Northern Indiana Health Systems on August 24, 2017 for allegedly providing medical care without health care privileges after being presented with an automatic suspension of health care privileges memo on June 15, 2017.

After discussion, the Board moved to APPROVE Dr. Buckley's LICENSE

McCann/Masten, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

Erick A. Falconer, M.D.-- Initial Application – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Falconer appeared with counsel, Jennifer Lukemeyer.

Dr. Falconer answered yes to the following questions on his application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
5. Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court,
 - 1) Have you ever been arrested?
 - 4) Have you ever pled guilty to any offense, misdemeanor, or felony in any state?
8. Have you ever had a malpractice judgment against you or settled any malpractice action?
11. Have you ever been excluded from being a Medicare / Medicaid provider?
12. Were any limitations or special requirements imposed on you because of academic performance, incompetence, disciplinary problems or any other reason during your medical education or post graduate training / residency program?

Dr. Falconer's licenses to practice medicine have been revoked in Arizona, Illinois and Missouri, and his medical license in Florida has been suspended, due to entering a guilty plea to one (1) count of obstruction of justice by making a material false statement and representation to special agents of the U.S. Food and Drug Administration in the Eastern District of Missouri Federal Court in November of 2013, during their February 2013 interview concerning Dr. Falconer's company's pharmaceutical purchases. Dr. Falconer served five (5) months in prison.

Dr. Falconer has an employment opportunity in Indianapolis at OPYS Physician Services.

Dr. Falconer admitted the following exhibits:

Exhibit 1: Letter from Andre Creese, MD, FACEP, President and CEO of OPYS Physician Services

Exhibit 2: Dr. Falconer's Board Certification from the American Board of Emergency Medicine

Exhibit 3: Dr. Falconer's Curriculum Vitae

Exhibit 4: Dr. Falconer's Guilty Plea Agreement from the U.S. District Court Eastern District of Missouri Eastern Division

After discussion, the Board moved to DENY Respondent's license application.

Masten/Busk, 2/2/0

Aye's: Masten, Busk
Nays: McCann, Strobel
Motion failed

The Board requested that Dr. Falconer's appearance be tabled for June 28, 2018 Board meeting.

Julio C. Galindo, M.D. – Initial Application – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Galindo answered yes to the following questions on his application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?
4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
6. Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership or privileges revoked, suspended or subjected to any restrictions, probation or other type of discipline or limitations?
7. Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

In September of 2015 Dr. Galindo's Ohio medical license was placed on probation for two years due to prescribing controlled substances to himself and his girlfriend as well as prescribing a non-controlled drug for himself under his girlfriend's name. His probation ended on September 17, 2017 and his license in Ohio is free and clear.

Dr. Galindo's privileges were suspended and Berger Hospital in Circleville, Ohio and he did not re-apply for privileges. Dr. Galindo applied for a hospitalist position at Mount Carmel East Hospital in Columbus Ohio but was denied privileges.

Dr. Galindo currently has unrestricted active licenses in Tennessee, Michigan and Ohio.

After discussion, the Board moved to APPROVE Dr. Galindo's LICENSE in the State of Indiana.

Strobel/Busk, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

Daniel Pietras, M.D.– Initial Application – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Pietras failed to answer yes to the following question on his application:

12. Were any limitations or special requirements imposed on you because of academic performance, incompetence, disciplinary problems or any other reason during your medical education or post graduate training / residency program?

Dr. Pietras was referred to the Florida Professionals Resource Network (PRN) by his training program at the University of Florida, Department of Psychiatry, on December 1, 2015 due to a verbal outburst that occurred at his home while on a pager call on November 30, 2015 and was reported anonymously to the Gainesville police.

As a result of the incident, Dr. Pietras went on leave from his program from December 1, 2015 through February 7, 2016.

Dr. Pietras was referred to Dr. Theodore Treese who determined that the impairment occurred in part due to the adverse effect of inappropriate treatment with prescribed long-acting psychostimulants that Dr. Pietras had taken the morning of the outburst in anticipation of the afternoon call shift.

After discussion, the Board moved that Dr. Pietras obtain an evaluation from ISMA and table the personal appearance pending the evaluation report.

Masten/Busk, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

Martin D. Weltz, D.O.– Initial Application – Positive response

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Weltz failed to answer yes to the following question on his application:

1. Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?

4. Have you ever been the subject of an investigation by a regulatory agency concerning your license?
7. Have you ever been admonished, censured, reprimanded or requested to withdraw, resign or retire from any hospital or health care facility in which you have trained, held staff membership or privileges or acted as a consultant?
10. Have you ever been terminated or disciplined by your employer while practicing as a physician or resigned in lieu of discipline?

Dr. Weltz was issued a letter of reprimand by the Maryland Board of Physicians on March 31, 2017 for unprofessional conduct. Dr. Weltz pre-signed prescription pads for his patients in hospice due to the only pharmacy that the prescriptions could be filled would not fill scripts after 3:00 p.m. daily. A nurse at this hospice had used prescriptions pre-signed by Dr. Weltz to obtain controlled substances for her personal use. No restrictions were placed on his license. Dr. Weltz's Maryland license and controlled substance registration are both active.

On September 8, 2017, Dr. Weltz's New Jersey license was suspended as a reciprocal action based off of the Maryland Board letter of reprimand and his failure to submit his biennial renewal in 1985. Dr. Weltz has not practiced in New Jersey in over 30 years and his license has been lapsed since he left in 1983.

After discussion, the Board moved to APPROVE Dr. Weltz's application for LICENSURE.

Masten/Busk, 4/0/0
Aye's: McCann, Masten, Strobel, Busk
Motion carries

ADMINISTRATIVE HEARINGS

Michael Love, M.D., License No. 01048505A, Cause No. 2016 MLB 0046

Respondent failed to appear in person but was represented by counsel, J. Richard Kiefer, regarding an Extension of Summary Suspension and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Respondent is currently serving 365 days at county probation center.

Both parties have agreed and signed a settlement agreement that would extend Respondent's summary suspension for an additional ninety (90) days.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT.

Masten/McCann, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Martin J. Maassen, M.D., License No. 01025400A, Cause No. 2017 MLB 0043

Respondent failed to appear in person but was represented by counsel, J. Richard Kiefer, regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Roxanne Hilton, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

On Respondent's 2013 IPLA renewal application, Respondent answered "No" to question number three (3), which states "Since you last renewed, have you ever been arrested or convicted for a crime that has not been expunged by an Indiana court?"

On July 19, 2011, Respondent was arrested and charged in Hardin County District Court, located in Elizabethtown, Kentucky, for one (1) count of the following: Failure to Signal; Operation of a Motor Vehicle under the Influence of Alcohol/drugs; Possession of Controlled Substance.

On December 2, 2011, all charges were amended to Reckless Driving, a traffic violation. Respondent was ordered to pay a one hundred (\$100.00) dollar fine and associated court costs for a total of approximately two hundred and fifty-five (\$255.00) dollars.

Respondent is working out of state in Maryland.

Respondent filed a motion to continue hearing. State opposed motion for continuance due to previous January continuance.

After discussion, the Board moved to ACCEPT RESPONDENT'S MOTION FOR CONTINUANCE.

HEARING RESET FOR JUNE MEETING.

Masten/McCann, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

James Ranochak, M.D., License No. 01026732A, Cause No. 2017 MLB 0028

Respondent failed to appear in person but was represented by counsel, Robert Saint, regarding an Extension of Summary Suspension and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Jessica Krug, Supervising Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Criminal charges are still pending for Respondent.

The State and Respondent have signed an order to extend the summary suspension for an additional 90 days.

After discussion, the Board moved to EXTEND the SUMMARY SUSPENSION for an ADDITIONAL NINETY (90) DAYS.

Masten/Busk, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Tristan V. Stonger, M.D., License No. 01031765A, Cause No. 2016 MLB 0015

Respondent failed to appear in person or with counsel regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Jessica Krug, Supervising Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Dr. Stonger was convicted on various controlled substance charges. He has been sentenced to probation.

The Settlement agreement includes revocation of his Indiana Medical license.

Both parties have agreed and signed the proposed settlement agreement.

After discussion, the Board moved to APPROVE the SETTLEMENT AGREEMENT.

McCann/Masten, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

After further discussion, the Board moved to IMPOSE a FINE of FIVE THOUSAND (\$5,000.00) DOLLARS to be PAID WITHIN ONE HUNDRED AND TWENTY (120) DAYS of the ORDER.

Masten/Busk, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Gregory P. Sutton, M.D., License No. 01032586A, Cause No. 2016 MLB 0015

Respondent appeared in person and with counsel, J. Richard Kiefer, regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Aaron Milewski, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

On Respondent's 2015 renewal application, Respondent failed to answer yes to the question which asked, "Since you last renewed,... have staff membership or privileges been revoked, suspended, or subject to any restriction, probation or other type of discipline..?"

On September 18, 2014, Respondent was placed on unpaid administrative leave of absence at St. Vincent in Indianapolis, and on December 16, 2014, Respondent's employment was terminated by mutual agreement due to numerous negative performance reviews during his tenure. Respondent voluntarily resigned his medical staff privileges.

Respondent presented the CPEP documents showing that he has completed CPEP courses mandated by St. Vincent.

Both parties agreed to a settlement agreement which includes a Letter of Reprimand.

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT

Masten/McCann, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

After further discussion, the Board moved to IMPOSE a FINE of FIVE HUNDRED (\$500.00) DOLLARS Payable within NINETY (90) DAYS of the ORDER.

McCann/Busk, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Felix Brizuela, D.O., License No. 02004840A, Cause No. 2018 MLB 0014

Respondent failed to appear in person or by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

At the March 22, 2018 Board meeting the Board moved to place Respondent's license on Indefinite Suspension due to the State's evidence presented to the Board that the Respondent was federally indicted for multiple counts of controlled substance distribution and kickbacks.

State has tried multiple times to contact Respondent regarding the hearing. Respondent's Federal trial is still pending.

The State admitted the following exhibits:

Exhibit A: Respondent's Indictment, U.S. District Court for the Northern District of West Virginia.

The State requests that the Board extend Respondent's summary suspension for an additional ninety (90) days

After discussion, the Board moved to EXTEND Respondent's SUMMARY SUSPENSION for and ADDITIONAL NINETY (90) DAYS.

McCann/Masten, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

David Hall, M.D., License No. 01025672A, Cause No. 2016 MLB 0017

Respondent appeared in person but without counsel, regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

An administrative complaint was filed against Respondent on April 17, 2017, alleging that while employed as the Clinical Medical Director at the Alcohol Abuse Deterrent Program (AADP), Respondent made available pre-printed, pre-signed prescriptions for staff members to give to patients.

Respondent is requesting to have his license reinstated after being placed on a six (6) month suspension due to pre-signing prescriptions and prescribing to patients without clinical examinations.

Respondent presented evidence that he has complied with all terms and conditions of the Suspension.

Respondent admitted the following exhibit:

Exhibit 1: Proof of payment of fines, CME Certificates

After discussion, the Board moved to REINSTATE Respondent's LICENSE on PROBATION for a minimum of ONE (1) YEAR of ACTIVE PRACTICE, without the ability to petition for withdraw until all terms and conditions are met.

Masten/McCann, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Thomas Moore, M.D., License No. 01033158A, Cause No. 2002 MLB 0035

Respondent appeared in person but without counsel, regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Robert Zach Watkins, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Michael Busk, M.D.

Respondent appeared before the Board to request that his license be reinstated after being placed on Indefinite Suspension in 2003 and had subsequently expired.

Respondent became sober in 2004 and presented to the Board that he has complied with all Kentucky Board and Indiana Board terms and conditions of his suspension. The Kentucky Board released him from his contract with the Kentucky Physicians Health Foundation with an unrestricted license as of February of 2017.

Respondent attends a minimum of five Alcoholics Anonymous meetings per week and volunteers at the local outpatient addiction program. Respondent has been sober for thirteen (13) years.

Respondent admitted the following exhibits:

Exhibit 1: Letter from C. William Briscoe, M.D., Medical Director, Briscoe Clinic BHC

After discussion, the Board moved to REINSTATE Respondent's LICENSE.

Masten/McCann, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

Diana Trujillo Rollison, Cause No. 2018 MLB 0015

Respondent appeared in person and with counsel, Shelley Jackson and Jenna Shives, regarding a Motion for Order to Cease and Desist scheduled before the Board. The State of Indiana was represented by Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: John Strobel, M.D., Kirk Masten, M.D., Victoria McCann, J.D., Rebecca Mueller, M.D., Michael Busk, M.D.

Lourdes Daily, interpreter for Respondent appeared at this hearing.

The State presented evidence that showed Respondent is not a licensed physician in the State of Indiana, and alleged Respondent has been engaging in activities for which a medical license is required.

The State admitted the following exhibits:

Exhibit 1: Respondent's Employment Agreement

Exhibit 2: Respondent's website and resume, February 28, 2018

Exhibit 3: Respondent's updated website and resume, April 12, 2018

Respondent stated that the website, which stated she was a physician, even though she is not licensed, was created by her husband, Rob Rollison, and that she was not aware of the content of the website.

The following witness for the Respondent testified before the Board:

Rob Rollison

Respondent admitted the following exhibits:

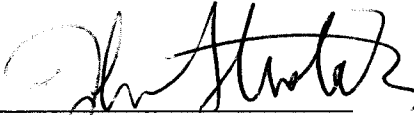
Exhibit A: Affidavit of Alfredo M. Lopez-Yunez, M.D.

- Exhibit B: Affidavit of Julio Sanchez, M.D.
- Exhibit C: Affidavit of Diana Rollison
- Exhibit D: Affidavit of Rob Rollison

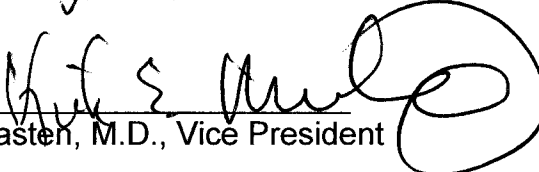
After discussion, the Board moved to ISSUE the ORDER TO CEASE and DESIST.

Masten/Busk, 4/0/0
Aye's: Masten, McCann, Strobel, Busk
Motion carries

There being no further business, the meeting adjourned at 4:30 p.m.



John Strobel, M.D., President



Kirk Masten, M.D., Vice President